

SENATE BILL 2187  
By Womack

AN ACT to amend Tennessee Code Annotated, Section 49-5-203, relative to the rights of teachers and other personnel employed by a school system which has undergone a change in governmental structure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-203, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) The change in the governmental structure of a school system or institution through the process of annexation, unification, consolidation, abolition, reorganization or transfer of the control and operation of the school system or institution to a different type of governmental structure, organization or administration shall not, except as hereinafter provided, impair, interrupt or diminish the rights and privileges of a then existing teacher, and such rights and privileges shall continue without impairment, interruption or diminution.

Notwithstanding the foregoing, if a school system has been abolished and/or has been annexed by or unified or consolidated with another school system:

(1) The new or surviving school system, governmental structure, organization or administration shall be under no obligation to employ any teacher or other certificated or noncertificated employee of the school system which has undergone the change in structure, regardless of whether notice of nonrenewal of the teacher's or other employee's contract has been given, if such teacher or other employee has not

obtained tenure pursuant to the specific provisions of Tennessee Code Annotated, Title 49, Chapter 5, Part 5.

(2) The new or surviving school system governmental structure, organization or administration shall be under no obligation to employ any teacher, principal, supervisor, administrator, or other employee, whether tenured or nontenured and whether certificated or noncertificated, in the specific position which the individual held with the school system which has undergone the change in structure. The new or surviving school system, governmental structure, organization or administration may transfer or assign tenured and nontenured teachers, principals, supervisors, administrators and other employees to other positions and/or locations within the school system. If such transfer or reassignment occurs, the teacher or other employee shall receive the compensation and benefits applicable to the position to which the individual is reassigned.

(3) Any Memorandum of Agreement (as defined in and negotiated pursuant to the Education Professional Negotiations Act, Tennessee Code Annotated, Title 49, Chapter 5, Part 6) or other contract or agreement with any employee or group of employees to which the school system which has undergone the change may be subject, shall be automatically terminated and of no further effect as of the effective date of the change, and the new or surviving school system, governmental structure, organization or administration shall have no obligations under any such Memorandum of Agreement or other contract or agreement.

(b) If a teacher or other professional employee becomes the employee of another school system or institution as a result of such a change in governmental structure, the teacher or other professional employee shall be subject to any existing

Memorandum of Agreement between the other school system or institution and the professional employees' organization representing professional employees of the other school system or institution and, among other things, shall receive the compensation and benefits provided in such Memorandum of Agreement for professional employees of the other system or institution, with credit being given for experience in the school system which has undergone the change in structure. Subject to the foregoing and to the provisions of subsection (a), if a teacher becomes an employee of another school system or institution as a result of such a change in governmental structure, then the rights and privileges of such a teacher shall continue without impairment, interruption or diminution as the obligations of the new or surviving school system, governmental structure, organization or administration.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.